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SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			DEBROW, JAMES J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/623,471	<b>Applicant(s)</b> PLASTINA ET AL.	
	<b>Examiner</b> James J. Debrow	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/12/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to communications: application filed 13 Feb. 2006.
2. Claims 1-50 are pending in the case. Claims 1, 13, 26, 33, and 43, are independent claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 7, 9, 11-15, 17-19, 23-28, 43, 44, 47, and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Berkun et al. (hereinafter "Berkun"), US 2002/0103920 A1 filed 6/8/2001.**

**Regarding independent claim 1 and dependent claim 12,** Berkun discloses rendering media content in the media player [0023], [0030]-[0033]. Berkun discloses generating an automatic request for metadata from a metadata provider, the requested metadata to be associated with the rendered media content in the abstract and paragraphs [0030]-[0033]. Berkun discloses receiving return metadata from the metadata provider in response to the automatically generated request for metadata in the abstract, fig. 3, 10, and paragraph [0042]. Berkun discloses receiving a trustworthiness rating corresponding to the return metadata in fig. 7, 11, paragraphs [0046]-[0048], and [0074]-[0077]. The similarity score shown in fig. 7 and described in paragraphs [0046]-[0048] is a trustworthiness rating. Berkun discloses computer readable-media having computer-readable instructions in paragraphs [0023]-[0028].

**Regarding dependent claim 2**, Berkun discloses replacing an existing metadata state with the received return metadata based on the received trustworthiness rating in fig. 3, 10, and paragraphs [0070]-[0072].

**Regarding dependent claim 3**, Berkun discloses wherein the return metadata comprises metadata determined by the metadata provider to be associated with the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 4**, Berkun discloses wherein the received trustworthiness rating in fig. 7 and paragraphs [0046]-[0048].

**Regarding dependent claim 5**, Berkun discloses wherein the trustworthiness rating is a percentage in fig. 7 and paragraphs [0046]-[0048].

**Regarding dependent claim 7**, Berkun discloses storing the return metadata with the media content based on the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 9**, Berkun discloses wherein the received trustworthiness rating indicates that the return metadata matches the requested

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metadata and storing the return metadata with the media content without intervention from a user in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 11**, Berkun discloses receiving one or more reconciliation rules from a user, the reconciliation rules specifying an action to perform in response to the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is determined based on the threshold.

**Regarding independent claim 13 and dependent claim 25**, Berkun discloses receiving a request from a user to replace one metadata state with another metadata state in fig. 1, 3, 11, paragraphs [0032], [0033], [0076], and [0077]. Berkun discloses replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items associated with the other metadata state in response to the received request in fig. 1, 3, 11, paragraphs [0032], [0033], [0076], and [0077]. Berkun discloses computer readable-media having computer-readable instructions in paragraphs [0023]-[0028].

**Regarding dependent claim 14**, Berkun discloses wherein each item of metadata comprises a value specific to the media content in fig. 7, 11 and paragraphs [0046]-[0048], [0076], and [0077].

**Regarding dependent claim 15**, Berkun discloses receiving the items of metadata associated with the other metadata state from a metadata provider in response to an update request, the metadata provider providing the items of metadata associated with the other metadata state that are determined to be relevant to the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 17**, Berkun discloses storing the received items of metadata in a file storing the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 18**, Berkun discloses receiving a trustworthiness rating corresponding to the received items of metadata and replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items from the received items of metadata in response to the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 19**, Berkun discloses wherein the items of metadata associated with the one metadata state are stored in a file along with the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 23**, Berkun discloses replacing a single item of metadata in paragraphs [0032], [0033], and [0042].

**Regarding dependent claim 24**, Berkun discloses wherein the other metadata state lacks metadata, and wherein replacing each set of metadata items comprises removing all metadata from the media content in fig. 3 and paragraphs [0032], [0033], and [0042]

**Regarding independent claim 26**, Berkun discloses a communications component for receiving metadata automatically matched to the media content being rendered in the abstract, fig. 3, 10, and paragraph [0030]-[0033], [0042]. Berkun discloses the communications component further receiving a trustworthiness rating associated with the received metadata in fig. 7, 11, paragraphs [0046]-[0048], and [0074]-[0077]. The similarity score shown in fig. 7 and described in paragraphs [0046]-[0048] is a trustworthiness rating. Berkun discloses an authoring module for selectively applying the received metadata to the media content based on a trustworthiness rating received via the communications component in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 27**, Berkun discloses wherein the authoring module applies the received metadata by replacing each item of metadata associated with one metadata state with a corresponding item of the received metadata associated with another metadata state in fig. 3, 10, paragraphs [0032], [0033], and [0070]-[0072].



**Regarding dependent claim 28**, Berkun discloses wherein the communications component further receives a request from a user to store the received metadata with the media content in fig. 1, 3, 11, paragraphs [0032], [0033], [0076], and [0077].

**Regarding independent claim 43**, Berkun discloses one or more data fields, each of the data fields displaying a metadata value associated with the metadata item in fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a selection field for receiving a command from a user, the command selecting one or more of the metadata values from the data fields for association with the metadata item and storage with the media content in fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a query field for receiving a search term from the user, the search term describing the media content and enabling determination of another metadata value relevant to the media item based on the received search term in fig. 3, 11, and paragraphs [0076] and [0077].

**Regarding dependent claim 44**, Berkun discloses wherein at least one of the metadata values in the plurality of data fields is selected automatically based on a trustworthiness rating associated with the at least one metadata value in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

**Regarding dependent claim 47**, Berkun discloses wherein the metadata item comprises at least one of an album title, an artist name, a song title, a genre, a composer name, a track number, a studio, a director, and a rating in paragraph [0025].

**Regarding dependent claim 50**, Berkun discloses a display device in paragraph [0028].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkun et al. (hereinafter "Berkun"), US 2002/0103920 A1 filed 6/8/2001.**

**Regarding dependent claim 6,** Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach prompting a user to review the return metadata based on the received trustworthiness rating. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have prompted a user to review the return metadata based on the received trustworthiness rating in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion,

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instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 8**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches receiving a plurality of trustworthiness ratings in fig. 7 and paragraphs [0046]-[0048]. Berkun does not specifically teach collectively displaying the received plurality of trustworthiness ratings to a user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to collectively displayed the received plurality of trustworthiness ratings to a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 10**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches wherein the received trustworthiness rating indicates that the return metadata may not match the requested metadata in fig. 7 and paragraphs [0046]-[0048]. Berkun does not specifically teach prompting the user to accept or reject the return metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have prompted the user to accept or reject the return metadata in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 16**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying the received items of metadata to the user for review. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to displayed the received metadata for review by a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 29**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying, to a user for review based on a received trustworthiness rating, the metadata received via a communications request. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have

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modified Berkun to displayed the received metadata for review by a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding independent claim 33 and dependent claim 42,** Berkun teaches rendering media content in the media player [0023], [0030]-[0033]. Berkun teaches receiving metadata automatically matched to the rendered media content from a metadata provider in the abstract, fig. 3, 10, and paragraph [0042]. Berkun teaches performing an action on the metadata in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches computer readable-media having computer-readable instructions in paragraphs [0023]-[0028]. Berkun does not specifically teach displaying the received metadata to the user on the display or receiving a selection request form the user via the user interface selection device, the selection request specifying the acceptance or rejection of the displayed metadata.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 34**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to edit the received metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have

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displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to edit the metadata upon rejection in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 36**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to discard the received metadata. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to discard



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the metadata upon rejection in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 37**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to search for additional metadata for the media content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to search for additional metadata for the media content upon rejection in view of the way search engines at the time of the invention provide content to users.

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At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 38**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection request specifies acceptance of the received metadata, and wherein the selection request further comprises a request from the user to apply the received metadata by storing the received metadata with the media content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request specifying the acceptance or rejection of the displayed metadata and allowed the user to apply the received metadata by storing the received metadata with the media content upon acceptance in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user

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to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 39**, Berkun teaches storing the received metadata in a cache in paragraph [0036].

**Regarding dependent claim 40**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying the received trustworthiness rating to the user on a display. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received trustworthiness rating to the user on a display in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified

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to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 41**, Berkun teaches receiving one or more reconciliation rules from a user, the reconciliation rules specifying an action to perform in response to the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is determined based on the threshold. Berkun does not specifically teach displaying the one or more reconciliation rules for selection by a user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the one or more reconciliation rules for selection by a user in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 45,** Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach wherein the selection field comprises a plurality of checkboxes, each of the checkboxes being associated with one of the plurality of data fields. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have used checkboxes to have selected the data fields displaying metadata values in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 46,** Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically

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teach wherein the selection field comprises a button that indicates acceptance of the selected metadata value. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have used a button that indicated the acceptance of a selected metadata value in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 48**, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun does not specifically teach displaying a trustworthiness rating associated with the metadata value for each of the data fields. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed a trustworthiness rating associated with the metadata value for each of the data fields in

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view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

**Regarding dependent claim 49**, Berkun teaches a reconciliation field for displaying one or more reconciliation rules for selection by a user, each of the reconciliation rules specifying an action to perform in response to the trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is determined based on the threshold.

**7. Claims 20-22, 30-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkun et al. (hereinafter "Berkun"), US 2002/0103920 A1 filed 6/8/2001 in view of Senator et al. (hereinafter "Senator"), US 5,761,677 patented 6/2/1998.**

**Regarding dependent claim 20**, Berkun does not teach maintaining a history data structure in the file, the history data structure storing the other metadata state. Senator does teach a history data structure in a file, the history data structure storing an

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other metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

**Regarding dependent claim 21,** Berkun does not teach replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items stored in the history data structure. Senator does teach replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items stored in the history data structure in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.



**Regarding dependent claim 22**, Berkun does not teach wherein the history data structure defines an empty metadata state for the media content and wherein replacing each set of metadata items comprises replacing each set of metadata items associated with the one metadata state with a null value from the empty metadata state. Senator does teach wherein the history data structure defines an empty metadata state for a file and wherein replacing each set of metadata items comprises replacing each set of metadata items associated with the one metadata state with a null value from the empty metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

**Regarding dependent claim 30**, Berkun does not teach a rollback module for maintaining a history data structure in the file, the history data structure storing the received metadata along with a previous metadata state associated with the media content. Senator does teach a rollback module for maintaining a history data structure in a file, the history data structure storing the received metadata along with a previous metadata state associated with the file in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line

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64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

**Regarding dependent claim 31,** Berkun does not teach wherein the authoring module replaces each item of metadata associated with one metadata state with a corresponding item of metadata from another metadata state maintained in the history data structure by the rollback module. Senator does teach wherein an authoring module replaces each item of metadata associated with one metadata state with a corresponding item of metadata from another metadata state maintained in the history data structure by the rollback module in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

**Regarding dependent claim 32**, Berkun does not teach wherein the history data structure defines an empty metadata state for the media content and wherein the authoring module replaces each item of metadata associated with the one metadata state with a null value from the empty metadata state. Senator does teach wherein the history data structure defines an empty metadata state for a file and wherein the authoring module replaces each item of metadata associated with the one metadata state with a null value from the empty metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

**Regarding dependent claim 35**, Berkun does not teach a request from the user to restore previously received metadata. Senator does teach a request by a user to restore previously received metadata in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Berkun and Senator to have created the claimed invention. It would have been obvious and desirable to have used

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the history data structure of Senator to have improved the metadata storage of Berkun so that the user could have rolled back to a previous metadata state as is taught by use of the rollback module in Senator in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

***Response to Arguments***

7. Applicant's arguments filed 13 Feb. 2006 have been fully considered but they are not persuasive.

**I. 35 U.S.C. 102(e)**

**A. Claims 1-5, 7, 9, and 11-12**

Applicant argues Berkun fails to disclose a method wherein a request for metadata associated with the media content being rendered by the media player is automatically generated. Thus, the presently claimed invention unobtrusively generates requests for metadata being rendered by the media player and receives the metadata silently in the background without requiring user interaction. See Response- p12, 2<sup>nd</sup> and 3<sup>rd</sup> paragraph.

The examiner disagrees.

As indicated in the rejection, Berkun teaches that media files and related metadata are searched for by an automated process referred to as a spider for searching data available through a communication network. Using a predetermined algorithm to continuously search for media files, links to other websites, unique streams, and downloadable files (0030-0031).

Dependent claims of Claim 1, include the requirement of claim 1, and therefore are rejected along the same rational as previous stated.

B. Claims 13-15, 17-19, 23-25

Applicant argues Berkun fails to disclose a method wherein a metadata state comprising metadata that is automatically matched to media content being rendered by a media player.

The examiner disagrees.

As indicated in the rejection, Berkun teaches the metadata is assessed, analyzed, and organized in accordance with attributes associated with the media file. If metadata information is missing from the extracted metadata, it is added (0032).

Dependent claims of Claim 13, include the requirement of claim 13, and therefore are rejected along the same rational as previous stated.

C. Claims 26-28

Applicant argues Berkun fails to disclose a system comprising computer-executable components for managing one or more items of metadata associated with media content being rendered by a media player comprising a communication component that receives metadata that is automatically matched to media content being rendered.

The examiner disagrees.

As indicated in the rejection, Berkun teaches the invention may be embodied in the form of computer-implemented processes and apparatus for practicing those processes. The invention may also be embodied in the form of computer program code embodied in tangible media (0078).

D. Claims 43, 44, 47, and 50

Applicant argues Berkun fails to disclose a user interface enabling a user to select one of a plurality of values associated with a metadata items.

The examiner disagrees.

As indicated in the rejection, Berkun teaches this limitation in fig. 3, 11, paragraphs 0073-0075 as mentioned above.

II. 35 U.S.C. 103(e)

A. Claims 6, 8, 10, 16, 29, 33, 34, 36-42, 45, 46, 48, and 49

Applicant argues Berkun fails to disclose a method a method of updating metadata in a computer system having a user interface including a display and being responsive to a user interface selection device.

The examiner disagrees.

As indicated in the rejection, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have displayed the received metadata and have accepted a user selection request

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specifying the acceptance or rejection of the displayed metadata in view of the way search engines at the time of the invention provide content to users. At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

B. Claims 20-22, 30-32, and 35

In regards to dependent claims 20-22, 30-32, and 35, these amended claims limitation have been previously examined with respect to their respective independent claim rejection.



***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

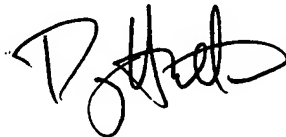
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW  
EXAMINER  
ART UNIT 2176

A handwritten signature in black ink, appearing to read 'D. Hutton', with a stylized flourish at the end.

DOUG HUTTON  
PRIMARY EXAMINER  
TECH CENTER 2100